



B 151

Affidavit of Service of Summons or Subpoena: Personal or Alternative  
Methods: Corp. or Ind.: Military Service, 10 pt. type, 1-95

© 1988 JULIUS BLUMBERG, INC.  
PUBLISHER, NYC 10013

COURT UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DISTRICT OF NEW YORK  
SECURITIES AND EXCHANGE COMMISSION

Index No. 05 CV 5231

against  
AMERINDO INVESTMENT ADVISORS INC. ALBERTO WILLIAM  
VILAR AND GARY ALAN TANAKA

Plaintiff(s)

Defendant(s)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**

IN A CIVIL CASE

SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a  
party herein, is over 18 years of age and resides at NEW YORK, NEW YORK  
That on 6/21/05 at 7:40 P M., at 860 UNITED NATIONS PLAZA, NEW YORK, N.Y. #25D  
deponent served the within summons, and complaint on ALBERTO WILLIAM VILAR defendant therein named,  
IN A CIVIL CASE  
SEE ATTACHED RIDER

INDIVIDUAL  
1. ☒ by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as  
said defendant therein.  
CORPORATION  
2. ☐ a corporation, by delivering thereat a true copy of each to  
personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and  
knew said individual to be thereof.  
SUITABLE AGE PERSON  
3. ☐ by delivering thereat a true copy of each to a person of suitable age  
and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.  
AFFIXING TO DOOR, ETC.  
4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—  
usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age  
and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 4  
5A. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to  
defendant at defendant's last known residence, at and deposited  
said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.  
MAILING TO  
BUSINESS  
USE WITH 3 OR 4  
5B. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly  
addressed to defendant at defendant's actual place of business, at  
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore  
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3  
☒ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☒ 100-130 Lbs.  
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.  
☐ Brown Skin ☒ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☒ 5'9"-6'0" ☐ 161-200 Lbs.  
☐ Red Skin ☐ Red Hair ☒ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.  
☐ The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional  
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE  
☒ I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any  
capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of  
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and  
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either  
the State or in the Federal statutes.

Sworn to before me on  
6/24/05

JOHN DICANIO  
Notary Public, State of New York  
No. 01-DI4977768  
Qualified in Westchester County  
Commission Expires Feb. 11, 2007

SHARON ALEXA ENGERSON

License No. 1192351

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X INDEX # 05 CV 5231  
**SECURITIES AND EXCHANGE COMMISSION**

**PLAINTIFF**

**AFFIDAVIT OF  
SERVICE RIDER**

**-AGAINST-**

**AMERINDO INVESTMENT ADVISORS INC.,  
ALBERTO WILLIAM VILAR AND GARY  
ALAN TANAKA,**

**DEFENDANT**

-----X

- **SUMMONS AND COMPLAINT IN A CIVIL CASE**
- **CIVIL COVER SHEET**
- **DECLARATION SUPPORTING MOTION TO BE ADMITTED PRO HAC VICE**
- **EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, ORDER TO SHOW CAUSE, AND OTHER RELIEF**
- **LOCAL RULE 6.1(d) DECLARATION OF PAUL G. GIZZI IN SUPPORT OF PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, ORDER TO SHOW CAUSE, AND OTHER RELIEF**
- **(PROPOSED) ORDER TO SHOW CAUSE, TEMPORARY RESTRAINING ORDER AND ORDER APPOINTING A RECEIVER AND GRANTING OTHER RELIEF**
- **DECLARATION OF ELZBIETA WRAGA IN SUPPORT OF PLAINTIFF AND EXCHANGE COMMISSION'S EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, ORDER TO SHOW CAUSE, AND OTHER RELIEF**
- **MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, ORDER TO SHOW CAUSE, AND OTHER RELIEF**

Page 2 of 2

**SECURITIES AND EXCHANGE COMMISSION V. AMERINDO INVESTMENT, ET AL**

- **(PROPOSED) PRELIMINARY INJUNCTION ORDER AND ORDER TO APPOINT A MONITOR FOR AMERINDO AND TO CONDUCT AN EXAMINATION OF CLIENT ACCOUNTS**
- **SUPPLEMENTAL DECLARATION SUPPORT MOTION TO BE ADMITTED PRO HAC VICE WITH CERTIFICATES OF GOOD STANDING ATTACHED**